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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,769	04/16/2004	James R. Anthony	2835-74916	8807
23643	7590	12/11/2006	EXAMINER	
BARNES & THORNBURG LLP 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			MACARTHUR, VICTOR L	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,769

Applicant(s)

ANTHONY ET AL.

Examiner

Victor MacArthur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 5, 7 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8 and 10-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/16/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of species II drawn to figures 6-10 in the paper filed on 10/10/2006 is acknowledged. The traversal is on the grounds that Species III – VI are not properly restrictable. The applicant's arguments are persuasive and accordingly Species III-VI are withdrawn from the restriction requirement. The differences in ornamental design between dogs, cats, fictional characters, etc. are obvious and not patentably distinct from one another.

The requirement between Species I and Species II is still deemed proper since they are mutually exclusive in construction (e.g., spring placement, latch design, etc.) and is therefore made FINAL.

Claims 5, 7 and 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/10/2006.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sound chip (claims 26 and 38), illumination device (claim 27) and each of the amusement park characters, cartoon characters, comic book characters, movie characters, literary characters, TV characters as well as each of the dog breeds recited throughout the claims must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 32 is objected to because of the following informalities:

- The limitation "the cover" (line 1 of claim 32) lacks proper antecedent basis and should be replaced with --a cover--.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8, 10-21, 23-25, 28-37 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Anthony (U.S. Patent 6,425,632).

Claim 1. Anderson discloses (figs.1-4) a coupling device for attaching to an anchor member, the coupling device comprising: a frame (2, 3, 4, 14) having a distal end (2, 3) defining a mouth (mouth receiving 10) configured to receive the anchor member; a lever (8, 10) having a distal end (bottom end of 10), the lever being movably mounted to said frame at a mounting location (9) and having an open position (dotted line of figure 2) to allow the anchor member to be received within the mouth and a closed position (solid line of figure 2) to retain the anchor member within the mouth; a biasing member (13) urging the lever toward the closed position; and wherein the lever includes a manipulation portion (10) between the distal end of the lever and the mounting location, and wherein a user applies a direct pushing force to the manipulation portion in order to move the lever into a lever void (void between 2 and 3) defined by the frame to move the lever to the open position.

Claim 2. Anderson discloses the coupling device of claim 1 wherein the lever pivots about a mounting member (6) provided on said frame moving between said closed position and said open position.

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Claim 3. Anderson discloses the coupling device of claim 2 wherein the distal end substantially covers the mouth in the closed position.

Claim 4. Anderson discloses the coupling device of claim 3 wherein the lever has a proximal end (top end of 8) opposite the distal end of the lever and wherein the mounting member mounts the lever to the frame substantially toward the proximate end of the lever.

Claim 6. Anderson discloses the coupling device of claim 3 wherein the biasing member acts between the frame and the lever to urge the lever into the closed position.

Claim 8. Anderson discloses the coupling device of claim 3 wherein the biasing member acts between the frame and a point between the proximal end and the distal end of the lever to urge the lever into the closed position.

Claim 10. Anderson discloses the coupling device of claim 1 wherein the biasing member is a spring.

Claim 11. Anderson discloses that the coupling device of claim 1 further comprising a cover (7).

Claim 12. Anderson discloses the coupling device of claim 1 further comprising a cover (7) formed in a recognizable shape (shape of a head of a dog).

Claim 13. Anderson discloses the coupling device of claim 1 further comprising a cover formed in a recognizable shape resembling at least a portion of an animal's body (head of a dog).

Claim 14. Anderson discloses the coupling device of claim 1 further comprising a cover formed in a recognizable shape resembling an animal's head having a mouth (between ears of 7) configured to receive the anchor member and having ears (ears of 7) configured to be gripped by a user.

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Claim 15. Anderson discloses the coupling device of claim 1 further comprising a cover (7) formed in a recognizable shape resembling a mixed breed dog's head.

Claim 16. Anderson discloses the coupling device of claim 1 further comprising a cover formed in a recognizable shape resembling the head of a fictional character, the head having a mouth (between ears of 7) configured to receive the anchor member and having ears (ears of 7) configured to be gripped by a user.

Claim 17. Anderson discloses the coupling device of claim 16 wherein the fictional character is chosen from the group consisting of amusement park characters, cartoon characters, comic book characters, movie characters, literary characters, and TV characters (in as much as the applicant's elected species is).

Claim 18. Anderson discloses the coupling device of claim 1 further comprising an anchorage (7) carried by the frame.

Claim 19. Anderson discloses the coupling device of claim 18 wherein the anchorage is detachable (upon disassembly) from the coupling device.

Claim 20. Anderson discloses the coupling device of claim 18 wherein the anchorage is movable (i.e., rotatable).

Claim 21. Anderson discloses the coupling device of claim 1 further comprising an anchorage (7) carried by the frame and an elongated member (6) coupled to the anchorage.

Claim 23. Anderson discloses the coupling device of claim 1 further comprising a cover (7), wherein the cover snaps onto the frame.

Claim 24. Anderson discloses the coupling device of claim 1 further comprising a cover (7), wherein the cover is attached to the frame by a fastener (6).

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Claim 25. Anderson discloses the coupling device of claim 1 further comprising a cover (14), wherein the frame and the cover comprise a unitary device.

Claim 28. Anderson discloses the coupling device of claim 1 further comprising a cover (7) formed in the shape of a head, at least a portion (outer portion of 7) of the head being configured to be gripped by a user.

Claim 29. Anderson discloses the coupling device of claim 1 further comprising a cover formed in a recognizable shape resembling a mixed breed dog's head.

Claim 30. Anderson discloses the coupling device of claim 1 wherein the lever is **substantially** (but not completely) S-shaped (in that it forms half an s).

Claim 31. Anderson discloses a coupling device for attaching to an anchor member, the coupling device comprising: a housing (2, 4, 14) formed to resemble the head of a mammal, the head including anatomically representative protrusions (protrusions of 2, 4, 14) and defining a mouth (between 2 and 4) configured to receive the anchor member; a lever (8, 10) movably mounted relative to said housing and having an open position to allow the anchor member to be received within the mouth and a closed position to retain the anchor member within the mouth; a biasing member (13) urging the lever toward the closed position; and the lever including a direct manipulation portion (10) configured to move the lever between the closed position and the open position.

Claim 32. Anderson discloses the coupling device of claim 31, wherein a cover (7) resembles the head of a dog that is an Aberdeen Terrier (in as much as the applicant's elected species does).

Claim 33. Anderson discloses the coupling device of claim 31, further comprising a frame assembly (3) coupled to the housing and additionally defining the mouth.

Claim 34. Anderson discloses (figs. 1-4) a coupling device for attaching to an anchor member, the coupling device comprising: a housing (2, 3, 4, 14) formed to resemble the head of a dog, the head including anatomically representative protrusions (protrusions of 2, 3, 4, 14) and a mouth (mouth receiving 10) configured to receive the anchor member, and the head is a Mixed breed; a lever (8, 10) movably mounted relative to said cover and having an open position to allow the anchor member to be received within the mouth and a closed position to retain the anchor member within the mouth.

Claim 35. Anderson discloses the coupling device of claim 34 wherein the lever includes a direct manipulation portion (10) configured to move the lever to the open position.

Claim 36. Anderson discloses the coupling device of claim 34 further comprising an anchorage (7) carried by the cover, the anchorage configured to mount to the coupling device an elongate member.

Claim 37. Anderson discloses the coupling device of claim 34 further comprising an elongate member (6) coupled to the cover.

Claim 39. Anderson discloses the coupling device of claim 34 wherein the cover is colored (metal color, see cross hatching).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Patent 1,273,717) in view of Hodgson (U.S. Patent 5,551,380).

Claim 22. Anderson does not disclose an elongated member that is a leash. Hodgson teaches that a clip (structurally similar to Anderson) has utility in fastening an elongated member that is a leash (col. 2, ll.40-45). One of ordinary skill in the art of clips would have known that leashes with clips attached thereon are beneficial for controlling animals. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Anderson clip to fasten an elongated member that is a leash, for the purpose of controlling an animal.

Claim 26 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Patent 1,273,717) in view of Hodgson (U.S. Patent 5,551,380) and Plotkin (U.S. Patent 6,178,923).

Claims 26 and 38. Anderson discloses a cover (7) but does not disclose a sound chip attached thereto. Hodgson teaches that clips (structurally similar to that of Anderson) have utility in fastening leashes and collars (col. 2, ll.40-45). One of ordinary skill in the art of clips would have known that leashes with clips attached thereon are beneficial for controlling animals.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Anderson clip to fasten a leash and collar, for the purpose of controlling an animal. Furthermore, Plotkin teaches that such collar-leash-clip assemblies should have sound chips for the novelty of imitating animal sounds (col.1- col.2). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to further modify the Anderson/Hodgson collar-leash-clip assembly to have a sound chip, as taught by Plotkin, for the novelty of imitating animal sounds.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Patent 1,273,717).

Claim 27. Anderson discloses a cover (7) but does not state that the cover has an illumination device. The examiner takes official notice that it is very well known in the art to use illumination devices such as LED (light emitting diodes) for the benefit of facilitating nighttime use. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to attach an LED illumination device to the Anderson cover to facilitate nighttime usage of the Anderson assembly.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Patent 1,273,717).

Claim 40. Anderson discloses the coupling device of claim 39, but does not disclose that the metal is colored with black paint. The examiner takes official notice that black paint is very well known in the art to slow corrosion of metal parts. Therefore, it would have been obvious to

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one of ordinary skill in the art at the time the invention was made to modify the Anderson metal to be painted black for the benefit of slowing corrosion.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Referring to coupling devices:

Burkett U.S. Patent 1474141

Harley U.S. Patent 3,405,966

Wolter U.S. Patent 4,376,383

Schmidt U.S. Patent 4,434,536

Lyell U.S. Patent 5,878,698

Secker U.S. Patent 5,952,925

Glussich U.S. Patent 6,374,778

Chien Pub.No.: US 2002/0011219

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085.

The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

VLM

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December 5, 2006



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